

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Case No. 2:15-mj-617Dashawn Howard

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 08/21/2015 and 09/15/2015 in the county of Franklin in theSouthern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Possession of a Firearm or Ammunition by a Prohibited Person (2 counts)

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.Shane Messner SA-4863

Complainant's signature

Shane Messner, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/1/2015City and state: COLUMBUS, OHION. M. KING

Judge's signature

N. M. KING, USM Judge

Printed name and title

ATTACHMENT A

I, Shane Messner, being duly sworn, depose and state that:

I have been a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since November 2005. I am a graduate of the ATF National Academy Special Agent Basic Training and the Federal Law Enforcement Training Center Criminal Investigator Training Program. As a result of my training and experience as an ATF Special Agent, I am familiar with Federal criminal laws pertaining to Federal firearms violations. As a Special Agent, I am also authorized to carry firearms, execute warrants, make arrests for offenses against the United States, and perform other such duties as authorized by law.

1. This affidavit is made in support of a criminal complaint against Dashawn Dajuan HOWARD (DOB: 12/30/1991) for two (2) violations of Title 18, United States Code, Section 922(g)(1): Possession of a firearm and/or ammunition by a convicted felon. The statements in this affidavit are based upon my training and experience, consultation with other experienced investigators and agents, review of related police reports, and other sources of information relative to firearms investigations. This affidavit is intended to set forth probable cause in support of the criminal complaint and does not purport to set forth all of my knowledge regarding this investigation.
2. First, on August 21, 2015, at approximately 3:37 a.m., Columbus Division of Police (CPD) Officers were working patrol in a marked vehicle in the area of Atcheson Street and North Ohio Avenue, in Columbus, Ohio. Based on the Officers' knowledge and experience in this area, the Officers were aware that this particular street and intersection had a problem with narcotics sales, gang activity, violent crimes, and weapon offenses. The Officers were driving north on N. Ohio Avenue when they came to the intersection of Atcheson Street. The Officers then observed three males standing around a maroon vehicle which was parked on the street in front of a vacant house. One of the males stood by the driver's side door (in the street), the second male stood on the sidewalk, and the third male (later identified as HOWARD) stood directly in front of the vehicle in the street. When the males noticed the Officers pull up to the intersection, HOWARD put his hand underneath his shirt near his waist and went down to his knees and leaned under the front of the car for approximately three (3) to four (4) seconds. When HOWARD came back up from underneath the front bumper area he quickly walked over to the sidewalk to join the other two males. The Officers pulled up just behind the vehicle and got out to speak with the males when they noticed there were three females inside the vehicle.
3. The Officers planned on writing tickets to the males who had been standing in the street so they got the males' information. The Officers identified HOWARD at this time. Officer Kevin Eckenrode eventually went and looked underneath the vehicle where HOWARD had been standing, and Officer Eckenrode found a handgun tucked behind the front passenger wheel. The handgun's barrel was facing the rear of the vehicle with the handle being on the front side of the vehicle. Officer Eckenrode recovered the handgun while Officer William Mallernee began to handcuff the three males as they were all standing on the sidewalk in close proximity to each other. While Officer Mallernee was handcuffing one of the males he asked HOWARD to sit down on the sidewalk. As HOWARD began to sit down Officer Mallernee heard something hit the ground directly behind HOWARD. After everyone was secured, the Officers found a fully loaded magazine with 16 rounds of ammunition on the ground directly behind where HOWARD was told to sit.

4. The recovered firearm was determined to be a Glock, Model 31, .357 caliber pistol, bearing serial number XVX406. The firearm was fully loaded with 16 rounds of Winchester .357 caliber ammunition in the magazine and one (1) round of Winchester .357 caliber ammunition loaded in the chamber. The magazine that was recovered on the ground behind where HOWARD was sitting was determined to be fully loaded with 16 rounds of Winchester .357 caliber ammunition. The Officers placed HOWARD under arrest for carrying a concealed weapon and he was slated in the Franklin County Correction Center.
5. On September 1, 2015, SA Messner received an ATF Firearms Trace Summary, Trace Number T20150248573, from the ATF National Tracing Center. The firearms trace showed that the above mentioned Glock, Model 31, .357 caliber pistol was originally purchased on August 18, 2015 by Shawntae Turner from Vance Outdoors located at 4250 Alum Creek Drive, Obetz, OH. Additionally, on August 21, 2015, Mr. Turner reported that this same firearm was stolen from his vehicle sometime between August 18, 2015 (the same day he purchased the firearm) and August 21, 2015 at approximately 5:30 p.m. Mr. Turner also reported a box containing 50 rounds of .357 caliber ammunition was also stolen. It was later determined by CPD Detective Joshua McAllister that Mr. Turner and HOWARD were reportedly cousins.
6. Secondly, on September 15, 2015, at approximately 8:45 p.m., CPD Officers on uniformed patrol in a marked vehicle were clearing a dispatched run at the Mt. Vernon Plaza apartments in Columbus, Ohio, when the Officers were flagged down by a female. The female stated a group of males were giving the security guards problems at the Mt. Vernon Plaza Shops located at Mt. Vernon Avenue and North 20th Street. The female pointed towards a small walkway between two buildings of the strip mall. An Officer approached the group on foot and immediately recognized them as members of the Trevitt and Atcheson Crips. As the Officer approached, two males identified as HOWARD and James Stephens, saw the Officer and immediately split away from the group and began walking towards the businesses that face Mt. Vernon Avenue. The Officer saw this behavior as suspicious as both males looked very nervous upon seeing the Officer and they moved with a sense of urgency to get away. The Officer turned the corner and observed HOWARD enter the Plaza Food and Beverage store located at 1040 Mt. Vernon Avenue. The Officer entered the store and observed HOWARD and Mr. Stephens standing near the counter waiting to purchase beverages. The Officer spoke to HOWARD for a short period of time and noticed he was holding a juice drink. The Officer went to the area of the store where juice was kept, and the Officer checked this area but did not find anything in the juice cooler. When the Officer turned around towards the shelves directly across from the juice cooler, he located a Glock, Model 23, .40 caliber pistol, bearing serial number FPP683 (on the frame) and serial number DPY098 (on the slide and barrel). The firearm was loaded with 14 rounds of .40 caliber ammunition with one (1) round in the chamber. HOWARD was taken into custody by another Officer and placed in the rear of a marked vehicle. An Officer also secured the weapon.
7. By this point, Mr. Stephens had walked away from the scene and a responding Officer stopped Mr. Stephens who was found to have active warrants. While this took place, an Officer used the store's video system to review the time HOWARD and Mr. Stephens entered the store. It appeared using the store video, that Mr. Stephens reached from his left waistband and placed an item onto the shelf where the Officer recovered the handgun. At the time of reviewing the footage using the store's system, it was not noticed that HOWARD had also placed an item on the shelf prior to Mr. Stephens placing an item on the shelf. HOWARD was subsequently released from the scene. Mr. Stephens was transported to the CPD ID Bureau. While processing Mr. Stephens

through the ID Bureau, Detective Thomas Pellegrini watched the store video that was recovered and which was of much higher quality. The video showed HOWARD pulling an item from his person and placing it on the shelf where the handgun was later recovered, followed by Mr. Stephens pulling an item from his waistband and sticking it on a lower shelf than the one where the handgun was recovered. A short time after the incident, an Officer was contacted by one of the security guards for Mt. Vernon Plaza who advised that after the Officers left the scene a male identified as Eric Henderson entered the store and removed an item from the lower shelf where Mr. Stephens had placed it. Mr. Stephens was not charged with possession of the handgun but was slated into the Franklin County Jail on his warrants. Subsequently, an active Franklin County arrest warrant for Weapons Under Disability (WUD) was filed on HOWARD from this case and he remains wanted at this time.

8. Previously, on or around May 4, 2015, your affiant received a certified copy of a judgment order from the Franklin County Court of Common Pleas relating to one felony conviction for HOWARD, which revealed the following: in Franklin County Court of Common Pleas, Case Number 13CR-1146, HOWARD pled guilty to Possession of Cocaine, a felony of the 4th degree, on or around July 3, 2013. This offense was punishable by a prison term exceeding one (1) year.
9. On September 30, 2015, ATF Special Agent (SA) Jason Burns reviewed the information on the two above mentioned firearms related to this investigation to determine the origin and status as to travel in interstate and/or foreign commerce. SA Burns is an ATF Interstate Nexus Expert, is a graduate of the ATF Firearms Interstate Nexus Training School, and is certified in making firearms and ammunition interstate nexus determinations. SA Burns determined that the Glock, Model 31, .357 caliber pistol, bearing serial number XVX406, and the Glock, Model 23, .40 caliber pistol, bearing serial number FPP683 (on the frame) and serial number DPY098 (on the slide and barrel), were not manufactured in the state of Ohio, and therefore moved/affected interstate/foreign commerce to arrive in the state of Ohio.
10. Based upon the aforementioned information and events, and your affiant's training and experience in dealing with Federal firearms violations, your affiant believes that probable cause exists to believe that on or around August 21, 2015, and on or around September 15, 2015, Dashawn HOWARD, a previously convicted felon, did possess firearms which were not manufactured in the state of Ohio and therefore travelled in and/or affected interstate commerce, both violations of Title 18, United States Code, Section 922(g)(1).



Shane Messner, ATF Special Agent

Sworn to before me and signed in my presence.



Norah McCann King
U.S. MAGISTRATE JUDGE

10/1/2015
Date